

U.S. Patent Application No. 10/571,081
Amendment dated January 10, 2008
Reply to Office Action of October 29, 2007

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

By way of this amendment, the subject matter of claims 7 and 11 have been incorporated into claim 1. Claims 7 and 11 have been canceled. Claims 1-6, 8-10, and 12-20 are pending in the application. Claims 13-20 have been withdrawn from consideration. Accordingly, no questions of new matter should arise and entry of the amendment is respectfully requested.

Rejection of Claims 1-10 Under 35 U.S.C. §103(a) -- Heinz et al. and Endo et al.

At pages 2-4 of the Office Action, the Examiner states that claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Heinz et al. (ANTIMICROBIAL AGENTS AND CHEMOTHERAPY 40:267-270, 1996) in view of Endo et al. (WO 03/064671). The Examiner states that Heinz et al. teaches an assay to screen drugs to the rhinovirus 3C protease, comprising translating a coding sequence in a cell-free lysate in the presence or absence of candidate protease inhibitor drugs, and measuring autodigestion of the translation product. The Examiner states that Heinz et al. differs from the claimed invention in that Heinz et al. uses a rabbit reticulocyte lysate instead of a wheat germ lysate. The Examiner states that Endo et al. teaches a wheat germ extract as an alternative to the rabbit reticulocyte assay for cell-free protein synthesis. The Examiner states that Endo et al. also teaches substantial removal of endosperm and low molecular weight inhibitors. The Examiner states that it would have been obvious to substitute the wheat germ extract for the rabbit reticulocyte lysate with reasonable expectation of success. This rejection is respectfully traversed.

By way of this amendment, claim 1 has been amended to include the limitations of claim

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11. The references cited by the Examiner do not alone, or in combination, teach or suggest the instant claims, as presently amended. In particular, Heinz et al. alone or in combination does not teach or suggest a method for searching a drug to a bioactive protein, wherein the bioactive protein is an RNA polymerase, a DNA polymerase, a helicase, a coat protein, or a capsid protein. Accordingly, the applicant respectfully requests the Examiner to withdraw this rejection.

Rejection of claim 12 under 35 U.S.C. §103(a) – Heinz et al. and Endo et al. and further in view of Anand et al.

At page 4 of the Office Action, the Examiner states that claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Heinz et al. (ANTIMICROBIAL AGENTS AND CHEMOTHERAPY 40:267-270, 1996) in view of Endo et al. (WO 03/064671), and further in view of Anand et al. (SCIENCE 300: 1763-1767, 13 June 2003, published online May 13, 2003). The Examiner acknowledges that Heinz et al. does not specify a SARS protein, but states that Anand teaches a SARS protease and that inhibitors to the protease are of interest. The Examiner states that it would have been obvious to modify the method of Heinz et al. by substituting a SARS protease gene for the rhinovirus protease gene, for the purpose of identifying an anti-SARS drug. This rejection is respectfully traversed.

By way of this amendment, claim 1, upon which claim 12 depends, has been amended to include the limitations of claim 11. The references cited by the Examiner do not alone, or in combination, teach or suggest claim 12. In particular, Heinz et al. alone or in combination does not teach or suggest a method for searching a drug to a bioactive protein, wherein the bioactive protein is an RNA polymerase, a DNA polymerase, a helicase, a coat protein, or a capsid protein. Accordingly, the applicant respectfully requests the Examiner to withdraw this rejection.

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Rejection of claims 1, 3, 5, 6, 8, 9, and 11 under 35 U.S.C. §103(a) – Kenten et al.

At pages 4-5 of the Office Action, the Examiner states that claims 1, 3, 5, 6, 8, 9, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenten et al. (U.S. Patent Application Publication No. 2003/0207290). The Examiner states that Kenten et al. teaches an assay for *in vitro* transcription and translation that screens for large numbers of proteins for a variety of activities. The Examiner states that Kenten et al. does not use wheat germ extracts in the working examples, but does suggest that wheat germ extracts can be used. The Examiner suggests that it would have been obvious to arrive at the present claims, given the disclosure in Kenten et al. This rejection is respectfully traversed.

By way of this amendment, claim 1 has been amended to include the limitations of claim 7. Kenten et al. does not teach or suggest the present claims, as currently amended. In particular, Kenten et al. does not teach or suggest a method for searching a drug to a bioactive protein using a cell-free protein synthesis means with the use of a wheat embryo extract solution, wherein the wheat embryo extract solution is a cell-free protein synthesis means with a wheat embryo extract from which an endosperm and a low molecular synthesis inhibitor are substantially removed. Accordingly, the applicant respectfully requests the Examiner to withdraw this rejection.

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

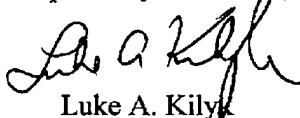
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CONCLUSION

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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